



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION IV

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REGION IV

ALABAMA  
FLORIDA  
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April 7, 2020

**Via Electronic Mail Only**

[rsfritz@volusia.k12.fl.us](mailto:rsfritz@volusia.k12.fl.us)

Dr. Ronald Fritz  
Superintendent  
Volusia County Schools  
P.O. Box 2118  
DeLand, FL 32721

Re: Complaint # 04-20-1249

Dear Dr. Fritz:

On January 27, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), received the above-referenced complaint filed by the Complainant, in which she alleged the District discriminated against the Student, who is a student at XXXXXXXXXXXX XXXXXXXXXXXX School (School), based on disability. Specifically, the Complainant alleged that the Student's grandmother was told that the Student could not attend a field trip unless she attended a brought her own vehicle.

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OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance (FFA); and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination based on disability by public entities.

Based on the above, OCR investigated whether the District discriminated against the Student on the basis of disability by placing restrictions on his eligibility for field trips and not allowing him to attend field trips when no such restrictions were placed on non-disabled students, in noncompliance with Section 504 and its implementing regulations at 34 C.F.R. §§ 104.33, 104.37(a) and 104.43.

During the investigation, OCR reviewed documents provided by the District and Complainant, including but not limited to the Student's IEP, the Student's disciplinary history, and a copy of the District's policies

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<sup>1</sup> The Complainant raised the same allegations against the District in a previous complaint (#04-19-1469) that involved students at several schools in the District, including the School. Prior to the conclusion of OCR's investigation, the District expressed an interest in resolving the complaint, which OCR deemed appropriate. The District signed a resolution agreement resolving the complaint.

and procedures related to school sponsored field trips. Prior to the completion of OCR's investigation, the District requested to voluntarily resolve this complaint. Pursuant to Section 302 of OCR's Case Processing Manual, a complaint may be resolved before the conclusion of an investigation when the recipient or public entity expresses an interest in resolving the complaint. Below is a summary of the evidence obtained to date and the resolution.

**Summary of the evidence to date and Resolution**

The Student is a first-grade student at the School. The Student was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD). During a December 9, 2019, IEP meeting, the Student was determined eligible to receive Exceptional Student Education services based on a placement of Autism Spectrum Disorder (ASD).

The Complainant asserts that the Student's grandparent was advised that she would need to attend and bring her own vehicle for the Student to attend a November 15, 2019 field trip. The Complainant stated that during the December 9, 2019 IEP team meeting, when the issue related to the Student's participation in field trip was discussed, the Student's teacher informed the team that it was the "policy of the school" to have parents escort students with disabilities on field trips. There is no information in the Student's IEP to address his eligibility to participate in field trips.

As indicated above, prior to OCR's completion of the investigation, the District expressed an interest in resolving the complaint pursuant to Section 302 of the CPM. OCR determined that it would be appropriate to resolve this complaint under Section 302 because OCR's investigation had identified issues that could be addressed through a Resolution Agreement.

The District signed the enclosed Resolution Agreement which, when fully implemented, will resolve the complaint allegations. To address the complaint allegations regarding disability discrimination, the Agreement requires that the District will convene a meeting to determine whether the Student's current IEP are designed to provide the Student a free appropriate public education (FAPE) and revise the plan(s) as necessary to ensure that the Student is able to participate in non-academic and extra-curricular activities which should include field trips. The Agreement does not include a provision regarding training because the District was previously required to train its staff about Section 504 implementing regulations at 34 C.F.R. §§ 104.34(b) and 104.37(a) and Title II with respect to providing a free and appropriate public education in non-academic settings, including field trips pursuant to a previous complaint the Complainant filed with OCR (#04-19-1469) addressing the same issues with the District.

On April 6, 2020, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the allegations in the complaint. OCR will monitor the District's implementation of this Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, or discriminate against any individual because he or she has filed a complaint, or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment. Under the Freedom

of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

OCR is committed to prompt and effective service. If you have any questions, please contact Ledondria H. Saintvil, Senior Attorney, at (404) 974-9373, or me, at (404) 974-9367.

Sincerely,

Ebony Calloway  
Compliance Team Leader

Enclosure